

RECEIVED  
CENTRAL FAX CENTER  
JAN 11 2005

**MARTIN & FERRARO, LLP**  
**1557 Lake O'Pines Street, NE**  
**Hartville, Ohio 44632**

Telephone  
(330) 877-0700

Faxsimile  
(330) 877-2030

**FACSIMILE TRANSMITTAL**

**TO:**

Name: Mail Stop AMENDMENT  
Group Art Unit 3732

Firm: U.S. Patent & Trademark Office

Fax No.: 703-872-9306

Subject: U.S. Patent Application No. 10/675,820  
Gary K. Michelson

Filed: September 30, 2003

DYNAMIC GUARD AND METHOD FOR USE  
THEREOF

Attorney Docket No. 101.0093-01000

Customer No. 22882

Confirmation No.: 6670

**FROM:**

Name: Thomas H. Martin, Esq.

Phone No.: 330-877-2277

No. of Pages (including this): 4

Date: January 11, 2005

Confirmation Copy to Follow: NO

**Message:**

**CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that the attached Information Disclosure Statement Under 37 C.F.R. § 1.97(b) and Form PTO-1449 are being facsimile transmitted to the U.S. Patent and Trademark Office on January 11, 2005.



Sandra L. Blackmon

If there is a problem with this transmission please call Sandy Blackmon at 330-877-1202 or the sender at the number above.

The information contained in this facsimile message is privileged and confidential information intended only for the use of the addressee listed above. If you are not the intended recipient or the employee or agent responsible to deliver this message to the intended recipient, please do not use this transmission in any way, but contact the sender by telephone.

RECEIVED  
CENTRAL FAX CENTER

JAN 11 2005

PATENT  
Attorney Docket No. 101.0093-01000  
Customer No. 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: ) Confirmation No.: 6670  
Gary K. Michelson )  
Serial No.: 10/675,820 ) Group Art Unit: 3732  
Filed: September 30, 2003 ) Examiner: Unassigned  
For: DYNAMIC GUARD AND METHOD)  
FOR USE THEREOF )

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Applicant brings to the Examiner's attention U.S. co-pending applications of Applicant listed on Form PTO-1449 for the Examiner's consideration of double patenting.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1066.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: January 11, 2005

By: 

Thomas H. Martin  
Registration No. 34,383

1557 Lake O'Pines Street, NE  
Hartville, Ohio 44632  
Telephone: (330) 877-0700  
Facsimile: (330) 877-2030

OMB 0651-0031

|                                                                 |  |                                          |                                  |
|-----------------------------------------------------------------|--|------------------------------------------|----------------------------------|
| Substitute for FORM PTO-1449                                    |  | Attorney Docket Number<br>101.0093-01000 | Customer No.<br>22882            |
| <b>INFORMATION DISCLOSURE CITATION<br/>IN AN APPLICATION</b>    |  | Applicant<br>Gary K. Michelson           | Application Number<br>10/675,820 |
| (Use several sheets if necessary)<br>Sheet <u>1</u> of <u>1</u> |  | Filing Date<br>September 30, 2003        | Group Art Unit<br>3732           |
| Examiner<br>N/A                                                 |  |                                          |                                  |

**U.S. PATENT DOCUMENTS**

| EXAMINER INITIAL | DOCUMENT NUMBER | DATE    | NAME            | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|------------------|-----------------|---------|-----------------|-------|----------|----------------------------|
|                  | 3,486,505       | 12/1969 | Morrison        |       |          |                            |
|                  | 4,545,374       | 10/1985 | Jacobson        |       |          |                            |
|                  | 5,015,255       | 5/1991  | Kuslich         |       |          |                            |
|                  | 5,431,658       | 7/1995  | Moskovich       |       |          |                            |
|                  | 5,571,109       | 11/1996 | Bertagnoli      |       |          |                            |
|                  | 6,494,883       | 12/2002 | Ferree          |       |          |                            |
|                  | 6,520,967       | 2/2003  | Cauthen         |       |          |                            |
|                  | 2002/0111680    | 8/2002  | Michelson       |       |          |                            |
|                  | 2002/0123753    | 9/2002  | Michelson       |       |          |                            |
|                  | 2002/0128659    | 9/2002  | Michelson       |       |          |                            |
|                  | 2003/0023209    | 1/2003  | Gruskin et al.  |       |          |                            |
|                  | 2003/0135220    | 7/2003  | Cauthen         |       |          |                            |
|                  | 2003/0199874    | 10/2003 | Michelson       |       |          |                            |
|                  | 2003/0229401    | 12/2003 | Mansouri et al. |       |          |                            |
|                  | 2004/0073309    | 4/2004  | Bianchi et al.  |       |          |                            |
|                  | 2004/0181233    | 9/2004  | Michelson       |       |          |                            |

**FOREIGN PATENT DOCUMENTS**

|  | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION (YES/NO) |
|--|-----------------|------|---------|-------|----------|----------------------|
|  |                 |      |         |       |          |                      |
|  |                 |      |         |       |          |                      |
|  |                 |      |         |       |          |                      |
|  |                 |      |         |       |          |                      |

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

|  |  |
|--|--|
|  |  |
|  |  |
|  |  |

| EXAMINER | DATE CONSIDERED |
|----------|-----------------|
|          |                 |

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.